

## NOES—7

Campbell	Petri	Shadegg
Flake	Royce	
King (IA)	Sensenbrenner	

## NOT VOTING—7

Himes	Obey	Stark
Johnson, E. B.	Sánchez, Linda	Tanner
Lewis (CA)	T.	

□ 1524

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WU. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PAS-TOR of Arizona) having assumed the chair, Mr. WELCH, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2187) to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### PROVIDING FOR PASSAGE OF H.R. 2101, WEAPONS ACQUISITION SYS- TEM REFORM THROUGH EN- HANCING TECHNICAL KNOWL- EDGE AND OVERSIGHT ACT OF 2009

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 432) providing for passage of the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 432

*Resolved*, That upon adoption of this resolution, the House shall be considered to have (1) passed the bill (H.R. 2101) to promote reform and independence in the oversight of weapons system acquisition by the Department of Defense, as amended by the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill; (2) taken from the Speaker's table S. 454; (3) adopted an amendment in the nature of a substitute consisting of the text of H.R. 2101 as passed by the House pursuant to this resolution; (4) passed such bill, as amended; and

(5) insisted on its amendment and requested a conference with the Senate thereon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from New York (Mr. MCHUGH) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this measure, the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009 and, of course, H. Res. 432, under which we will consider the bill today.

By voting for H. Res. 432, we will be adopting the bill reported out of the House Armed Services Committee 59-0, and initiating a conference with the Senate and their related bill, S. 454, which passed the Senate on a vote of 93-0. This legislation is in keeping with the best bipartisan traditions of the Congress, and the bipartisan leadership of both the House and Senate have committed to passing this legislation as quickly as possible.

The need for this legislation is urgent. It's indisputable. GAO tells us that the Department of Defense currently estimates it will exceed its original cost estimates on 96 major weapons systems by \$296 billion. That's more than 2 years of pay and health care for all of our troops. Much of this cost growth is already baked into the pie because of decisions made that will be difficult or impossible to reverse. At the same time, however, a lot of this is money that we have not yet actually spent, meaning we will feel the effects of this waste for years. We cannot wait to take corrective measures.

On April 27 Ranking Member MCHUGH from New York and I, along with our partners, ROB ANDREWS and MIKE CONAWAY, the leaders of our panel on Defense Acquisition Reform, introduced the WASTE TKO Act. After introducing the bill, the committee held two hearings on the bill and held a markup. On the basis of the testimony we received and on the basis of the committee's long experience on acquisition reform issues, I can say with confidence that this legislation will substantially improve the oversight of major weapons system acquisition.

Let me briefly summarize the bill's provisions. It requires the Secretary of Defense to assign responsibility to independent officials within his office for oversight of cost estimation, systems engineering, and performance assessment. It also assigns additional responsibility to the Director of Defense

Research and Engineering for assessing technological maturity and to the unified combatant commanders for helping to set requirements.

□ 1530

It promotes competition in our acquisition strategies, and it promotes the consideration of tradeoffs between cost, schedule, and performance. It limits organizational conflicts of interest and tightens the Nunn-McCurdy process.

Perhaps most importantly, it requires an increased focus on programs in the early stages of acquisition when most costs are determined, and it focuses oversight on programs which have demonstrated poor performance.

Lastly, the bill authorizes the Secretary of Defense to award excellence in acquisition.

Let me clarify an important issue about this bill that has arisen. Mr. MCHUGH and I have worked to make clear that this bill is tailored to match the scope of S. 454 in the Senate. We did this to speed its enactment into law.

As a result, like S. 454, it deals almost exclusively with major weapons systems acquisition, which is only 20 percent of the total that the Department of Defense spends on acquisition on an annual basis. There are also serious problems with the other 80 percent of the acquisitions systems. As a result, we established the Panel on Defense Acquisition Reform in our committee, led by ROB ANDREWS and MIKE CONAWAY.

They did excellent work on this bill, and we will get a lot more good work out of them before the day is done. We are fully committed to continuing the work on these issues in the upcoming National Defense Authorization Act for Fiscal Year 2010 and in subsequent legislation.

I ask all Members of the House to support H. Res. 432 and the underlying bill and vote to move it forward to a conference with the Senate on this very, very vital matter.

I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCHUGH asked and was given permission to revise and extend his remarks.)

Mr. MCHUGH. Mr. Speaker, I too rise in support of this very important piece of legislation, H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009.

I want to begin where thanks are truly due, and that is with my good friend, my distinguished chairman, the gentleman from Missouri (Mr. SKELTON), who provided the inertia and the great leadership in putting together the team that has worked so hard to bring this bill to the floor, and a particular tip of the hat to the gentleman from New Jersey (Mr. ANDREWS) and my friend and colleague, the gentleman from Texas (Mr. CONAWAY), for

their roles as the chairman and the ranking member in our special oversight committee. They really have done yeoman's work, supported by very able members, as they advanced a great piece of legislation.

Obviously, as you have heard, we consider this matter to be of utmost importance. The United States taxpayers deserve to get the most bang for their buck. It's a trite saying, but very true, especially when matters of national security are involved. What's more, there is an enormous opportunity cost when major defense systems miss and overrun their budgets.

The Government Accountability Office found that as of 2009 the Department of Defense had, as the chairman so correctly stated, some \$296 billion of cost growth on just 96 major weapons systems. And even if most of this growth is due to poor initial estimates or requirement changes and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities.

It's in the interest of a strong national defense, therefore, that we in Congress do all that we can to rein in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up, and hopefully pass today, H.R. 2101. But I would note, despite the speed with which this body has moved, the legislation we have before us is a sound and well-crafted product.

We have the benefit of feedback from the industry, from the Department, and from members of our Defense Acquisition Reform Panel. Speaking on my own behalf, I believe this feedback has allowed our committee to draft truly a superior piece of legislation.

I don't want to be taken wrong here, the Senate, the other body, has passed a solid piece of legislation as well, S. 454. But it's important for the House Members to recognize that the legislation we have before us today will take us immediately into conference with the Senate and, quite likely, to the President's desk in just a matter of weeks.

Which is why we all believe it's all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate, so that this body will remain on the forefront of ensuring we deliver the right capability to our war fighters at the right time and at the best value.

As my chairman, Mr. SKELTON, has indicated, this legislation focuses on reforms on the early stage of the acquisition system, requiring the evaluation of alternative solutions and more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital. As we know, as we heard from my chairman, the sins which cause most cost overruns are generally created in the initial stages of the acquisition process.

It also increases the level of independent scrutiny major weapons programs receive, not because our program managers are incapable, but because we recognize that it's an unfair burden to require program managers to be both a leading advocate for and an independent evaluator of the program.

The legislation also seeks to address concerns we have had heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office. Despite the impressive list of reforms carried in this bill, it really is relatively narrow in scope.

Some, including The New York Times Editorial Board, have criticized us for focusing only on acquisition of major weapons systems, stating, and I quote from one of their editorials, "Unfortunately, the House version, to be voted on later, applies to only about 20 percent of acquisitions."

Although, with due respect to The Gray Lady, maybe \$296 billion doesn't sound like a lot of money to The New York Times, but as I previously noted, that's just the cost of overruns on these 96 programs. The total planned outlay for those 96 programs is some \$1.6 trillion.

I have to say that I am fairly comfortable with taking on reforms to \$1.6 trillion in government spending as just a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep the legislation aligned with the Senate and to send this bill to the President as soon as possible. The remaining 80 percent of DOD programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior years' bills, but we will not be satisfied with resting on the laurels that I think this body will accrue today in supporting this legislation.

These issues will continue to be considered by the Defense Acquisition Reform Panel, which will carry on with its mandate to consider initiatives that could be addressed by the committee as part of the fiscal year 2011 National Defense Authorization Act.

Mr. Speaker, in closing, I want to re-emphasize that I give my full support to this bill. We owe a great debt of gratitude to those Members who worked so hard to bring it to the floor today and do so with such a quality product behind it.

I am honored to stand with them in this well this afternoon, and I look forward to a strong vote in support of this worthy piece of legislation.

Mr. Speaker, I rise in support of H.R. 2101, the Weapons Acquisition System Reform through Enhancing Technical Knowledge and Oversight Act of 2009. As my friend and Chairman, IKE SKELTON, has so ably described, this bill, which was unanimously adopted by the House Armed Services Committee, takes aim at reforming the process used by the Department of Defense to acquire major weapons systems.

We consider this matter to be of the utmost importance. The United States taxpayers de-

serve to get the most bang for their buck—especially when national security matters are involved. What's more, there is an enormous opportunity cost when major defense weapons systems miss overrun their budgets. The Government Accountability Office found that as of 2009 the Department of Defense had \$296 billion of cost growth on 96 major weapons systems. Even if most of this growth is due to poor initial estimation or requirements changes, and not to waste or mismanagement, the fact remains that the Department of Defense was unable to spend hundreds of billions of dollars on other planned priorities. Therefore, in the interest of a strong national defense, Congress must do all it can to reign in cost growth in the development of major weapons programs.

This national security imperative is also what has driven us to quickly mark up and, hopefully, pass H.R. 2101. Despite the speed with which this body has moved, the legislation before us is a sound, well-crafted product. We have had the benefit of feedback from industry, from the Department, and from the members of our Defense Acquisition Reform Panel. Speaking for myself, I believe this feedback has allowed our Committee to draft a superior piece of legislation.

Don't get me wrong. The Senate has already passed a solid piece of legislation, S. 454. But it is important for the members of the House to recognize that the legislation we have before us today will take us immediately into conference with the Senate, and quite likely to the President's desk in a matter of weeks. Which is why I believe it is all the more important to get a strong vote in support of this bill, to guarantee the voice of the House is heard in this debate and so this body will remain on the forefront of ensuring we deliver the right capability to our warfighters at the right time and at the best value.

As Chairman SKELTON has indicated, this legislation focuses reforms on the early stages of the acquisition system, requiring the evaluation of alternative solutions at more critical points and independent oversight earlier in the process. A focus on early stage acquisition is vital, because we know from experience that the sins which cause cost overruns are generally created in the initial stages of the acquisition process. It also increases the level of independent scrutiny major weapons programs receive—not because our program managers are not capable, but because we recognize that it is an unfair burden to require program managers to be both the leading advocate for a program and an independent evaluator of the program. The legislation also seeks to address concerns we have heard about minimizing bureaucracy and continuing to give the Secretary of Defense the flexibility he needs to manage his own office.

Despite the impressive list of reforms carried in this bill, our legislation is relatively narrow in scope. Some, including the New York Times Editorial Board, have criticized us for focusing only on the acquisition of major weapons systems, stating, "Unfortunately, the House version, to be voted on later, applies only to about 20 percent of acquisitions." Maybe \$296 billion doesn't sound like a lot of money to the New York Times, but as I've previously noted—that's just the cost overruns on those 96 programs. The total planned outlay for those 96 programs is \$1.6 trillion. I

have to say that I'm fairly comfortable with taking on reforms to \$1.6 trillion in Government spending, as a first step this year.

In addition, we deliberately narrowed the scope of our bill in order to keep our bill aligned with the Senate bill and to send this legislation to the President as soon as possible. The remaining 80 percent of DoD acquisition programs will not go unaddressed. If truth be told, acquisition workforce issues and acquisition of services have been addressed in prior year bills. But we will not be satisfied with resting on our laurels. These issues will continue to be considered by the Defense Acquisition Reform Panel—which will carry on with its mandate to consider initiatives that could be addressed by the Committee as part of the FY2011 National Defense Authorization Act.

Ironically, others have suggested that additional legislation is not warranted. The outgoing Under Secretary of Defense for Acquisition, Technology, and Logistics recently told reporters, "I just do not think you can mandate a process that will ensure successful defense acquisition . . . The bottom line is people run programs, not documents [or] processes." I think few can argue with this assessment. In the end, implementation of sound acquisition policies and maintaining a skilled workforce is more important than passing new reforms. Nevertheless, we continue to see poor outcomes that could have been avoided if there had been a stronger independent voice, earlier in the program and the warfighters had a clear role in establishing the requirements up front.

Moreover, we have repeatedly heard testimony before the Armed Services Committee that the reforms contained in this bill are practical, necessary, and can be implemented. We heard testimony from a panel of outside experts, many of them former senior officials from DoD, and the new Deputy Secretary of Defense, who were highly complimentary of this legislation. The Department is on-board with these changes—many of which they have recently committed to internal policy guidance.

Therefore, Mr. Speaker, I give my full support to this bill. In conclusion, I thank all of the members, but especially Chairman SKELTON, for collaborating so closely with me, and ROB ANDREWS and MIKE CONAWAY who lead our Defense Acquisition Reform Panel, for their participation in this process and for helping to make this the strongest possible product. I have absolute confidence that the members of the Panel will continue in their endeavors and provide the Armed Services Committee with a number of additional recommendations when they have fulfilled their mandate. We appreciate their hard work.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 2101.

With that, I reserve the balance of my time.

Mr. SKELTON. First I want to again thank the ranking member, my good friend, JOHN MCHUGH, for the good work on this excellent legislation, as well as his hard work on the Armed Services Committee. It is very much appreciated.

I yield 5 minutes to my friend, the kind colleague and the chairman of the Armed Services Committee on the Special Oversight Panel on Defense Acquisition Reform, the gentleman from New Jersey, Mr. ROB ANDREWS.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Speaker, my colleagues, there is an understandable frustration and cynicism in our country about our political system. There are people who believe that all we do is argue, that the two parties never agree on anything. And when we do agree on something, it's on something symbolic or inconsequential.

I think beyond the value of the substance of this legislation is the value of showing how those caricatures of the American political process are not always true. This has been a very substantive and very significant process, and it was led by outstanding bipartisan leadership from Mr. SKELTON, the chairman of the Armed Services Committee, who had the foresight to put together this panel and empower us with the staff, resources, and time to do the job well; and Mr. MCHUGH, who loaned both his expertise and his personal credibility to this effort, both of which are in significant supply.

I would also like to thank Mr. CONAWAY from Texas, the ranking member of the panel, for his outstanding contributions; each member of the panel, both Republican and Democratic, for their diligence in this effort; and most assuredly, the hard-working staff people who made the product possible: Erin Conaton and Andrew Hunter, Jenness Simler, Nat Bell from my office. We appreciate very much their efforts and many others.

You have heard the chairman and others say earlier that the Government Accountability Office has identified \$296 billion in cost overruns, that's just overruns, in major weapons systems. And as the chairman said, had we not incurred these overruns, that's enough money to pay for the salaries of the troops and the health benefits for the troops and their families for nearly 2½ years. That's the opportunity cost for the problem that we are facing today.

The House is encouraged to pass this bill because we believe it faces that problem by implementing four very important changes. The first has to do with independence. The people who will be doing cost estimates, engineering and conceptual scientific evaluations, and scheduling analyses will not be people vested in the success of the weapons system. They will be people vested in protection of the taxpayer dollar and providing the very best value for those who wear the uniform.

The second principle is looking very critically at the development of these weapons systems as early as possible in the process. By the time 10 percent of the money is spent on these weapons systems, 70 percent of the money is obligated. That is to say, on or before the time that we decide to build or not build a weapons system, we are already far into the process, whereby a political constituency builds up, hundreds

of thousands of workers, thousands of contractors, political constituencies around the country, who understandably advocate for these programs as if they were a public works project. Well, they are not. The idea behind these programs is to provide the very best tools to those who wear the uniform of this country at the appropriate price for the taxpayer.

By getting involved earlier in the process, we make it far more likely that when a bad judgment has been made, when we set off on the wrong course, that course can be reversed or terminated, as it should be.

The third principle in this bill is to give intensive attention, intensive care, to weapons systems that have been permitted to go forward even though they have not yet met all of the criteria to go forward.

If there is a true national security reason that those weapons systems should go forward beyond that milestone, it is very important that they be looked at carefully and on an ongoing basis. That is what this bill provides.

And in those, unfortunately, many instances where the programs far exceed the cost that's originally estimated, by 25 percent, by 50 percent, this legislation says that if the programs are not terminated, and if they are not terminated because there is a strong national security reason not to terminate them or a strong economic reason not to terminate them, they must be watched with great intensive attention.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional minute.

Mr. ANDREWS. Finally, the product before us has a very strong but flexible provision to prohibit undue conflicts of interest.

Frankly, this body does not aspire to micromanage the process of who can participate and contract and who cannot. What we are committed to is that all of those who are serving the public in this process serve only one master, that they are acting on behalf of the uniformed personnel and the taxpayers and not on behalf of anyone else who has an economic interest in the outcome of their deliberations.

This is a substantive piece of legislation that happened because the two parties worked together, because they listened to the best experts, and because we had put aside the squabbling in which we sometimes all engage to do what is right with our country.

It's an honor to work with my friends on this. I would urge my Members to vote "yes" and move this process forward.

□ 1545

Mr. MCHUGH. I want to again thank the gentleman from New Jersey for his great effort and leadership and clearly associate myself with his comments about the staff, some of whom are beside and behind me here, as they are

behind the chairman and others on the other side. Everything good that we achieve comes from their efforts. Everything that is not so good is certainly because we fail to listen to them. Certainly, in this bill, we listened to them very carefully. That, in large measure, is why it's such a great product.

With that, I'm proud to yield 4 minutes to our leader on our side of the aisle, a man whom I asked if he would not think about leading our efforts from the minority side, and was anxious to go forward and really underscored why he was the only choice, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman from New York for yielding time on this issue. I rise today to lend another bipartisan voice to support for the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act, giving rise to the best acronym yet in this Congress—the WASTE TKO Act.

As a member of the HASC Defense Acquisition Reform Panel, I feel a deep sense of obligation to both our men and women in uniform and my constituents back home to get this right and to give the Defense Department the tools and the manpower it needs to get the acquisition process right.

As with almost all work on the Armed Services Committee, I am pleased that we are able to work in a bipartisan manner, and I thank Chairman SKELTON, Ranking Member MCHUGH, and Chairman ANDREWS for their leadership throughout this process.

Last month, the GAO reported that the “major weapons programs continue to cost more, take longer, and deliver fewer quantities and capabilities than originally planned.” The GAO goes on to find fault in the “planning, execution, and oversight,” of major weapon programs. Congress’ inability to realistically plan for the future is slowly strangling our ability to govern, and in no place is that more apparent than in how we procure military hardware.

The legislation introduced by Chairman SKELTON and Ranking Member MCHUGH represents an important first step towards our final goal of creating an end-to-end acquisition process that is most responsive to the needs of the warfighter and responsible to the financial burdens of the taxpayer.

The WASTE TKO Act will ensure that new major weapons programs begin on a solid foundation; with accurate cost estimation and realistic performance goals developed before the program progresses into the system development and demonstration phase marked milestone B.

This legislation will institute clear lines of accountability and authority within the Pentagon, and establish the policies and procedures that are necessary to create a truly knowledge-based assessment of weapons programs.

By doing our homework upfront, our armed services will be better able to

prepare for the future, our warfighters will be better equipped, and we will be better stewards of the limited resources entrusted us by the taxpayers.

It is our responsibility to ensure the warfighter receives the best weapon systems to perform their mission, while at the same time ensuring that the taxpayers get the most bang for their buck.

The WASTE TKO Act addresses how we procure major weapon systems and provides much promise in resolving the enormous cost overruns that embarrass the government and infuriate the public.

Our bill is a step in the right direction, but we all know there is much more to be done to refocus the acquisitions process on supporting the warfighter first.

Mr. Chairman, I look forward to continuing to work with you and Chairman MCHUGH and ROB ANDREWS and the members of the committee and Acquisition Reform Panel as we complete this important task.

I want to thank our staff—both those of the committee and personal offices—who have done such great work on this bill. I encourage my colleagues to support this important legislation.

Mr. SKELTON. May I inquire as to the number of minutes I have left?

The SPEAKER pro tempore. The gentleman has 9 minutes.

Mr. SKELTON. Before I yield to the next speaker, I wish to add to what my colleagues on the other side have said. What outstanding work our staff has done on this legislation—complicated. And they glued it together and the jigsaw puzzle has an absolute clear picture as to acquisition reform. We hope to go from here to conference with the Senate with a successful outline.

I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee, the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Thank you, Mr. Chairman. Mr. Speaker, I rise today in support of the Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009. This legislation is an important first step in reforming the defense acquisitions process.

We know that due to insufficient oversight, acquisition programs have continued to skyrocket in costs. The cost growth of weapons systems acquisition has been a huge drain on taxpayer dollars—with minimal growth estimates of at least \$166 billion. A 20 percent improvement in these numbers could save the taxpayers up to \$30 billion.

This legislation ensures accuracy in performance assessments by designating an official to conduct performance assessments. In addition, it establishes additional annual reviews from oversight officials for problem contracts. These reviews, coupled with additional congressional oversight of the ailing programs, will help keep programs on track.

Finally, this legislation creates a better system to track cost growth during early contract development. By the time system development begins, 75 percent of the costs are already in place. By regulating cost growth in the early development, we will have true cost estimates and we can seek alternative solutions if it's necessary.

This legislation puts in place essential internal controls to the defense acquisition process. I will continue to advocate for fiscally responsible programs that provide optimal equipment for our Nation's military.

I thank the chairman and all those who worked on this bill.

Mr. MCHUGH. At this time I'd be happy to yield such time as he may consume to our ranking member on the Air and Land Subcommittee, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I strongly encourage my colleagues to pass H.R. 2101, a much needed acquisition reform bill. This bill will help facilitate a strong national defense, while reining in out-of-control cost growth in the development of major weapons systems.

This bill is a result of an intensive, cooperative, and collaborative bipartisan and bicameral effort to improve and modernize the procurement and acquisition process for our Armed Forces.

I want to recognize in particular the efforts of Chairman IKE SKELTON, Ranking Member JOHN MCHUGH, and the members of the Defense Acquisition Reform Panel led by Chairman ROBERT ANDREWS and Ranking Member MIKE CONAWAY.

Additionally, I would like to thank the unusually talented staff for their tireless work and contributions to this legislation.

H.R. 2101 is a much needed response to help minimize cost overruns and increase oversight and transparency in the way the Defense Department buys big-ticket weapons programs. I'm confident this legislation will provide a positive step forward for our military that will save taxpayers billions of dollars.

Moreover, this piece of legislation strategically addresses many of the issues I have long raised as concerns, including requirements creep, delivery delays, overly optimistic cost estimates, and the need for an independent broker to advise the military and Congress.

Two weeks ago during our HASC full committee hearing on Reform of Major Weapons Systems Acquisition, I posed a question before our distinguished panel of experienced acquisition experts regarding how they would weigh the causes of program cost overruns.

I asked them to record percentages based on what I called requirements creep, intentional underbidding, and, three, optimistic or incompetent cost estimating.

In short, what I took away from our expert panelists' answers was that fixing a broken defense acquisition system heavily lies with the requirements

process. I believe H.R. 2101 will help define requirements better upfront and establish a managed process for our military and defense contractors.

This bill will also address cost and schedule delays on programs early on. This bill will force the DOD to assess alternatives as soon as any major program starts going off track. Currently, this assessment is not required unless the program incurs a Nunn-McCurdy breach, which usually doesn't happen until a program is close to production.

Nunn-McCurdy has been a useful tool. It requires notification of Congress for programs that exceed cost estimates by 15 percent and termination of programs that exceed cost estimates by 25 percent unless certified by the Secretary of Defense that it's in our national security interest. H.R. 2101 provides tools and teeth to better manage and control costs of major programs from the very beginning.

Additionally, this bill elevates the importance and role of the independent cost estimator. This person gets to select the confidence level that all cost estimates will be developed to and also gets to develop his or her own cost estimate.

Further, the individual has to concur with the choice of the cost estimate made by the Under Secretary of Defense for Acquisition Technology and Logistics, AT&L, in creating a baseline budget for the program.

Lastly, I have been a longtime advocate of independent "brokers" to advise our talented military and the Congress. Under this bill, independent officials would be hired to assess defense acquisition performance. The idea would be that this individual does not report to the services or to AT&L. They would report to the Secretary and to Congress about whether the taxpayers are really getting value for their money under a program, or if there are other alternatives or requirement trades we should make.

This bill is very similar but not identical to legislation already passed by the Senate, S. 545, under the leadership of Senators CARL LEVIN and JOHN MCCAIN. There are some differences between the House and Senate bills. There is unified, bipartisan support for this House bill, H.R. 2101.

It was approved unanimously, and I encourage my colleagues to ratify the recommendations of the House Armed Services Committee with the strongest show of support for this bill as we go forward in conference with the other body.

In conclusion, I believe H.R. 2101 is a long overdue piece of legislation that will greatly benefit the honorable men and women who volunteer to serve in our Armed Forces.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend and colleague, a member of the House Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Speaker, I rise in support of H.R. 2101 because it will save taxpayers billions of dollars while maintaining a strong national defense through improved oversight of the acquisition of major weapons systems.

Cost overruns, schedule slips, and performance shortfalls have plagued large weapon system acquisition programs since World War II. Current major defense acquisition programs continue to experience these problems despite mandates from Congress and the Department of Defense. This legislation is an essential step to getting back our financial house in order.

As a Member of the House Armed Services Committee, I recognize that we must continue to provide a strong national defense. However, taxpayers deserve a smart national defense as well—especially at a time when they are being compelled to tighten their belts and make difficult financial decisions about how to reduce their own personal experiences expenses.

In light of current economic conditions and the sacrifices by average Americans across the country, Congress and the Department of Defense must also make a real effort to establish the necessary financial discipline, accountability, and oversight of major defense acquisition programs.

The GAO found that as of 2009, the Department of Defense had at least \$166 billion of cost growth on 96 major weapons systems. A 20 percent improvement could save the taxpayer as much as \$30 billion.

The WASTE TKO Act seeks to cut the cost growth in major defense acquisition programs in three major ways. First, it requires the Secretary of Defense to designate an official expert on cost estimation, systems engineering, and performance assessment. This new internal oversight function will provide us with independent assessments of acquisition programs.

Second, the bill creates an "intensive care unit" for sick programs. Programs that are not meeting the standards for system deployment or that have had critical Nunn-McCurdy cost breaches will get additional scrutiny.

Finally, it increases oversight of programs in the early stages of acquisition. It requires the DOD to set up a new system to track the cost growth and schedule changes that happen prior to milestone B—the decision point where system development begins.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SKELTON. I yield an additional 15 seconds.

Mr. KRATOVIL. This Congress needs to control spending across the board—and this bill is a necessary step in the area of major defense acquisition programs. I strongly support H.R. 2101, and urge my colleagues to do the same.

Mr. McHUGH. At this time I'd like to yield 2 minutes to a very able member of the Acquisition Reform panel and a proud veteran of our United States military, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I rise in support of H.R. 2101. This legislation respects the needs of those who serve in defense of our freedom, as well as the taxpayers who are asked to burden the cost.

Mr. Speaker, I am a combat veteran, with service in both the United States Army and the United States Marine Corps. One aspect of this legislation that is extremely important to me is a provision that formally requires the input of our combatant commanders on the acquisition decisions for weapon systems and equipment.

□ 1600

This will require the views of the end users that are deployed soldiers, marines, sailors and airmen in making their voices heard so that they can better perform their missions at the least cost in lives.

Madam Speaker, I stand before you today to express my strong support for this important piece of legislation. As a Member of the House Armed Services Committee, and a new Member of Congress, I was honored to be appointed to the Acquisition Reform Panel.

As an active participant on the panel, I appreciate this opportunity to help "fix" an obviously flawed defense acquisition system. My emphasis on the Panel has been how to achieve the best use of taxpayer dollars to provide the right equipment, at the right time for our Marines, soldiers, sailors, and airmen.

As a combat veteran with two tours in Iraq, I realize from personal experience just how critical a well-functioning acquisition system is to our nation's servicemembers—especially our warfighters in the field.

We must always fully take the "end user" into account whenever we address the acquisition process and to this end, I was pleased my amendment giving the Combatant Commanders (COCOMs) a more defined role and input into the process was included. This bill institutes a much needed level of focus and precision regarding the input sought from Combatant Commanders to best inform the Joint Requirements Oversight Council as to whether a new program is truly needed and what its fungible benefit will be in the current and future battlefield. Such precise input aims to prevent the DOD from going down the road of spending billions of dollars on unnecessary programs of no real value to the warfighter.

Our legislation addresses acquisition organization, oversight of cost estimation, performance assessment, and weapons acquisition oversight, and fully takes into account the current problems within the Department of Defense Acquisition process.

I urge my colleagues to vote in favor of this well-crafted and critical piece of legislation.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee's special oversight panel on defense acquisition reform, the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Madam Speaker, I thank the chairman for giving me this time.

We hear a lot about waste, fraud and abuse in Federal Government, and this bill that I support, H.R. 2101, answers

just that. I think it is critically important legislation to reform the Pentagon's major weapons acquisitions systems.

By now we have all heard the alarming reports from the GAO, the statistics that show that 96 of the Department of Defense's major weapons systems experienced \$296 billion in cost growth and an average of 22 months' delay in delivering these weapons to our warfighters. At a time when so much has been asked of the American taxpayer, we can do better, and we must do better. Runaway cost growth for many of these major weapons systems threatens other vital defense priorities at a time when our men and women in uniform are involved in active combat both in Iraq and Afghanistan.

Chairman SKELTON and Ranking Member MCHUGH and my colleagues on the House Armed Services Committee recognize the Pentagon's acquisition process is on an unsustainable path. The most important element to this legislation, in my view, is the strict oversight and accountability applied to the early development stage of major weapons acquisitions.

This legislation requires the Department of Defense to track cost growth and schedule changes that happen prior to milestone B, the point in the process when the systems and development start. This is critical because 75 percent of the systems costs are locked in as systems emerge from the development stage.

Madam Speaker, H.R. 2101 represents a strong bipartisan approach to reforming major weapons systems acquisition. But it is only a start. As a member of the Armed Services Committee's Defense Acquisition Panel, I will continue to work with Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY to review where action is needed to ensure greater return on our investment.

Mr. MCHUGH. Madam Speaker, at this time I am proud to yield 2 minutes to the gentleman from Louisiana (Mr. FLEMING), a 6-year member of the Navy and a military family physician.

Mr. FLEMING. Madam Speaker, I thank Ranking Member MCHUGH and also Chairman SKELTON. I rise to speak about and to support H.R. 2101.

We must continue providing a strong national defense while reining in out-of-control cost growth in the development of major weapons systems. Taxpayers deserve to get the most bang for their buck, especially when national security matters are involved. Cost overruns in major defense weapons systems are a huge drain on the defense budget.

This bill accomplishes this in three ways, number one, by ensuring accuracy of information for performance assessment; number two, providing intensive care to sick programs, sometimes they need just a little nudge to get back on track; and, number three, tracking cost growth in the early

stages of development. By the time a program reaches milestone B, 75 percent of its costs are already locked in. Currently, there is no process to review alternative solutions when cost or schedule growth occurs during this period.

Now, there is a companion bill in the Senate we have already discussed, the Levin-McCain legislation. And members on the House Armed Services Committee share the concerns addressed in the Senate bill. By comparison, about 25 percent of the two bills are the same, about 50 percent of the provisions are overlapping, and about 25 percent of our solutions on the House side are in addition. H.R. 2101 takes a different approach from the Levin-McCain legislation bill in how it addresses issues of systems engineering and other matters.

In summary, Madam Speaker, I support H.R. 2101, and I ask that my fellow Members support it as well.

Mr. MCHUGH. I reserve the balance of my time.

Mr. SKELTON. I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I would yield myself the balance of our time.

Madam Speaker, as you have heard here today through very eloquent and insightful comments of Members on both sides of the aisle, this is a piece of legislation that we believe very strongly deserves the full and enthusiastic support of every Member of this House. And I want to close how I opened, and that is a word of thanks to our distinguished chairman and to the Chair and ranking member of our special panel, Messrs. CONAWAY and ANDREWS for their great efforts. And I know today that the House will take an important step forward in both serving our men and women in uniform better through acquisition reform and equally serving the interests of the United States taxpayer.

With that, I yield back the balance of my time.

Mr. SKELTON. I wish to mention, Madam Speaker, that this is landmark legislation. It will go a long, long way in making sure we get the best weapons systems possible for our men and women who wear the uniform, and also more in budget, and it is extremely important. A special thanks to Mr. MCHUGH, to the panel, Mr. ANDREWS and Mr. CONAWAY. A special thanks to the staff members, Andrew Hunter, especially, and Erin Conaton. And we urge a solid vote on this piece of legislation.

Mr. LANGEVIN. Madam Speaker, I rise to urge passage of the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act of 2009, or the WASTE TKO Act. I want to thank Chairman SKELTON for his leadership in addressing this critical issue and bringing this bill to the floor so quickly and with such strong support.

In today's world, we face a difficult balance between keeping our Nation safe and operating within the fiscal constraints of our current

economic climate. Cost overruns in major defense programs are a drain on our limited resources and jeopardize our national security. As of 2009 the Government Accountability Office found \$296 billion in cost growth across 96 major weapons systems. We must ensure that money we use to protect our Nation is used wisely and efficiently so that taxpayer dollars get the most bang for their buck.

The WASTE TKO Act helps tackle cost growth through ensuring accurate performance assessments, providing intensive care to 'sick' programs, and fighting cost growth in the early stages of development.

Specifically, this bill will bring oversight to the muddled process of performance assessments by requiring the Secretary of Defense to designate a principal official to provide unbiased evaluations on the success of our acquisitions programs. The bill will also mandate additional reviews for programs that fail to meet development requirements or have extreme cost growth problems. This gives Congress the power to get an honest assessment of a 'sick' program's condition and decide whether it merits the risks of proceeding with development. Finally, the bill requires DOD to track cost growth and scheduling changes that take place before the program reaches milestone B, where 75% of its costs are already locked in place. This allows Congress to review alternative solutions to fight cost growth before it becomes a permanent drain on a program.

When cost overruns and schedule delays continue to haunt a program, it threatens the ability to provide our men and women in uniform with the best equipment possible to protect our Nation. This bill goes a long way towards increasing effective Congressional oversight and will help us continue to be responsible stewards of U.S. taxpayer dollars. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. VAN HOLLEN. Madam Speaker, today I rise in support of H.R. 2101, a bill to address waste, fraud and abuse in the government's procurement process. This bipartisan measure is an important step in the Congressional effort to increase oversight of DoD's procurement process and to limit overall defense cost growth.

For years the American people have watched with frustration as exploding contract and procurement costs drive up the cost of government. We all remember the \$200 toilet seat. This bill is an attempt to get such cost overruns and bloat under control at the largest agency in the federal government—the DoD.

The Weapons Acquisition System Reform Act will help fight abuse in defense contracting and procurement by establishing a principal acquisitions adviser who will monitor costs, oversee performance assessments and track cost growth for major DoD programs at the beginning of the decision making process, before the final go ahead is given.

The President has proposed a broad and ambitious agenda that will require all of us to help identify ways to save money and bring down the costs of government. This bill is an important step in that direction.

Mr. SKELTON. With that, I yield back.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House



suspend the rules and agree to the resolution, H. Res. 432.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SKELTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING ARMED FORCES DAY

Mr. MASSA. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 377) recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 377

Whereas Armed Forces Day was created in 1949 in connection with the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor the men and women who are serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard, including the National Guard and Reserve components;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 16, 2009;

Whereas members of the Armed Forces have performed tremendous service on behalf of the United States;

Whereas members of the Armed Forces have been killed and injured in operations to bring peace and stability in the name of democracy; and

Whereas all Americans express their recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

*Resolved*, That the House of Representatives, on the occasion of Armed Forces Day 2009—

(1) honors and recognizes the service and sacrifice that members of the Armed Forces and their families gave, and continue to give, to the United States;

(2) remains committed to supporting the members of the Armed Forces and their families;

(3) encourages Americans to show their support and appreciation for members of the Armed Forces on Armed Forces Day;

(4) commends the actions of private citizens and organizations who volunteer to support America's wounded warriors; and

(5) expresses the gratitude of the American people to the members of the Armed Forces for their service on behalf of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MASSA) and the gentleman from Louisiana (Mr. FLEMING), each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. MASSA. I ask unanimous consent that all Members have 5 legislative days within which to revise and

extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MASSA. I yield myself as much time as I might consume. Madam Speaker, Armed Forces Day was established to recognize the men and women serving in the Army, Navy, Marine Corps, Air Force and Coast Guard. I rise today to urge my colleagues to support House Resolution 377, honoring the exemplary service of the men and women of the United States Armed Forces.

The armed services have performed with dedication and bravery on behalf of the United States of America, and they have been killed or injured in conflicts and operations around the world in order to bring peace and stability in the name of democracy. Armed Forces Day recognizes the sacrifices that the Armed Forces and their families have given and continue to give to the United States of America.

This resolution shows that the House of Representatives remains committed to supporting the members of the Armed Forces and their families. It encourages all Americans to show their support and appreciation for the brave Americans and their families. We also commend those citizens whose organizations volunteer to support our servicemembers and their families at home and abroad.

Those who wear the uniform of our military services deserve our honor and great respect. Armed Forces Day is an opportunity for all other Americans to display their pride and appreciation for this noble and selfless service. So I now call upon Members of this great House to join me in supporting this resolution, thereby expressing our common pride and regard for our military on behalf of a grateful Nation.

I reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I rise in support of House Resolution 377, which recognizes Armed Forces Day, May 16, and the exemplary service of the members of the armed services. I want to commend my colleagues, Congressmen KEN CALVERT and NEIL ABERCROMBIE, for sponsoring it.

Today we are a Nation at war, with more than 2,750,000 men and women in uniform and more than 270,000 deployed worldwide. The men and women of today's armed services are all volunteers and have willingly, professionally, competently and unselfishly met every challenge this Nation has presented to them. In meeting those challenges, many have died and more have been wounded and injured.

These magnificent men and women come not only from the active components of the Army, Navy, Marine Corps, Air Force and Coast Guard, but also from our hometown communities

as members of the National Guard and the other Reserve components. Their commitment to this Nation and to their services can be measured in many ways. But I believe there is no better evidence of their patriotism and commitment to the defense of America than their astounding willingness to re-enlist and continue serving. Today, such re-enlistment decisions are made with the knowledge that it will mean repeat tours of duty in war zones where death and injury are potential outcomes.

Nevertheless, the most re-enlistment data continues a trend that has existed since September 11, 2001. For example, as of the end of March this year, Army re-enlistments for this year ranged from 111 percent to 114 percent of goal. Marine Corps and re-enlistments range from 197 percent to 204 percent of goal.

When Armed Forces Day was created in 1949, its purpose was to establish a time when all Americans could reflect on and honor the service of the men and women of the Armed Forces. This week, Armed Forces Day will be celebrated on May 16. On that day, I would urge my colleagues to reflect on the extraordinary service rendered not only by those who have previously served, but also of those who now are committed to making this Nation safe. On that day and every day, I would also urge my colleagues to take the time to individually thank every previous and current member of the armed services they encounter for their service.

I heartily recommended that all my colleagues vote "yes" on this resolution.

Mr. MASSA. I continue to reserve the balance of my time.

Mr. FLEMING. Madam Speaker, I would like to recognize Mr. CALVERT of California for such time as he may consume.

Mr. CALVERT. Madam Speaker, I rise today in support of H. Res. 377, which honors and recognizes Armed Forces Day on May 16. Over the course of our Nation's history, generations of Americans have made tremendous sacrifices to protect the freedoms we hold dear. And we honor these courageous Americans on Armed Forces Day and throughout the month of May.

Armed Forces Day is an opportunity to recognize our troops and their families, as well as rededicate ourselves to the promises our Nation has made to repay their service and sacrifice. When we make our promises to our troops, we must keep them, for they most certainly have kept their commitment to the American people.

Madam Speaker, I urge all my colleagues to support H. Res. 377 and to declare to all U.S. servicemembers that we stand with them. When the call of duty sounded, they did not hesitate to answer. Let us not hesitate in our support of all those brave men and women of the United States Armed Forces.

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Mr. FLEMING. Madam Speaker, I yield back the balance of my time.